

# Exhibit C

5:20-cv-00768

Transcript of the Testimony of  
**Ruben Villarreal**

**Date:**

January 23, 2020

**Case:**

Continental Casualty Company vs Blackhawk Ventures

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS

CONTINENTAL CASUALTY	)	
COMPANY, NATIONAL FIRE	)	
INSURANCE COMPANY OF	)	
HARTFORD, AND VALLEY FORGE	)	
INSURANCE COMPANY	)	
	)	
vs.	)	CASE NO. 5:17-CV-00807
	)	
BLACKHAWK VENTURES, LLC	)	

ORAL DEPOSITION

RUBEN VILLARREAL

JANUARY 23, 2020

ORAL DEPOSITION OF RUBEN VILLARREAL, produced as a witness at the instance of the Plaintiff and duly sworn, was taken in the above-styled and numbered cause on the 23rd day of January, 2020, from 9:57 a.m. to 12:41 p.m., before Sarah A. Prugh, Certified Shorthand Reporter in and for the State of Texas, reported by machine shorthand at the offices of Plunkett, Griesenbeck & Mimari, Inc., 1635 NE Loop 410, Suite 900, San Antonio, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

APPEARANCES

FOR PLAINTIFF:

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1 RUBEN VILLARREAL,  
2 having been first duly sworn, testified as follows:

3 EXAMINATION

4 BY MR. VALADEZ:

5 Q. Morning, sir. My name is Robert Valadez. I  
6 represent Continental Casualty Company --

7 A. Yes, sir.

8 Q. -- the plaintiff in this case. Are you  
9 familiar with the lawsuit that has been filed against  
10 Blackhawk Ventures?

11 A. I have seen paperwork. I have -- what my  
12 lawyer has presented me, I have seen those documents.

13 Q. And you are aware that there has been a default  
14 judgment entered by the federal court in this matter?

15 A. I would say yes. Not knowing the terms, I am  
16 not familiar with your terms and such. But I don't know  
17 any other reason I would be here other than --

18 Q. Let me ask it this way then. What is your  
19 understanding of the status of this lawsuit in federal  
20 court?

21 A. My understanding of it?

22 Q. Yeah, your understanding of it, yes.

23 A. Apparently some premiums or something were not  
24 paid at the correct time or such. And I guess Blackhawk  
25 is being taken to task for it. That is as much as I

1 have been able to garner from it.

2 Q. I appreciate you answering that but my question  
3 really is what is your understanding of the status of  
4 the case?

5 A. The status of the case?

6 Q. Yes, of the federal lawsuit.

7 A. I would imagine that it has not been attended  
8 to and therefore that is why we are here. Beyond that,  
9 I don't know. I generally do not know.

10 Q. Well, let me ask the question this way. Do you  
11 have counsel in the federal case in Cause Number  
12 5:17-CV-00807? Does Blackhawk Ventures, LLC -- are you  
13 familiar with that entity? Are you familiar with it.

14 A. With Blackhawk or with --

15 Q. Blackhawk Ventures, LLC.

16 A. Yes, sir.

17 Q. Okay. Are you -- do you have -- to your  
18 knowledge, does Blackhawk Ventures, LLC have counsel in  
19 Federal Cause Number 5:17-CV-00807?

20 MR. NOEL: So the answer is no, there is  
21 no appearance made in that case but now we are assisting  
22 post judgment.

23 Q. (By Mr. Valadez) So that is your answer? That  
24 is your understanding?

25 A. Right. This is my only counsel that I have so

1 I don't understand.

2 Q. I understand. But that is what I am trying to  
3 get to. My understanding is Mr. Noel --

4 A. Yes, sir.

5 Q. -- is not your counsel in this case. At least  
6 that is what has been represented to me, is that he is  
7 not your lawyer in this lawsuit right here.

8 A. I don't know, sir. I don't know how to answer  
9 that question.

10 Q. That is why -- but that's what I am trying to  
11 ask you is do you know whether you have counsel in this  
12 lawsuit? That is all I am trying to figure.

13 A. I do not know.

14 Q. That is the answer to my question. Fair  
15 enough.

16 A. I apologize that I don't understand.

17 Q. You don't have to apologize. That is what I am  
18 looking, for the truthful answer.

19 A. Okay.

20 Q. Mr. Villarreal, where do you live?

21 A. I live at 530 County Road 161?

22 Q. Give me the address again, 530.

23 A. 530 County Road 161, Floresville, Texas.

24 Q. 161 Floresville.

25 A. 78114.

1 Q. That is in the country?

2 A. Yes, sir.

3 Q. How long have you lived at that address?

4 A. 1998 I believe.

5 Q. Who lives there with you?

6 A. My wife, Manuelita J. Villarreal.

7 Q. Just you and your wife?

8 A. Yes, sir.

9 Q. Manuelita?

10 A. Yes, sir.

11 Q. What is her maiden name?

12 A. Garza, Garza Manrique actually.

13 Q. Garza Manrique?

14 A. Garza Manrique, yes, sir. She has more names  
15 than I do.

16 Q. Now, are you -- I am going to ask you the names  
17 of some companies. Have you heard of Blackhawk  
18 Ventures, LLC?

19 A. Yes, sir.

20 Q. What company -- what did that company do?

21 A. That company was a service disabled veteran  
22 owned entity company.

23 Q. Service disabled?

24 A. Service disabled veteran owned.

25 Q. Military disabled owned company?

1 A. Yes, service disabled veteran owned company.  
2 That is the designation from the USSBA.

3 Q. Service -- I want to get that right. Service  
4 disabled?

5	A. Veteran owned.
---	-------------------

6	Q. Veteran owned.
---	-------------------

7 | A. Uh-huh, small business.

8 Q. Small business. And what was Blackhawk  
9 Ventures, LLC, that service disabled veteran owned small  
10 business, what was it in the business of?

11      A.    General contracting.

12	Q. General contracting for?
----	-----------------------------

13	A. Construction.
----	------------------

14 Q. But for commercial or residential?

15 | A. Oh, no, commercial.

16 Q. Commercial. Okay. Did -- I am going to first  
17 ask generally about these companies I am aware of. I  
18 will come back later and ask more detailed questions.

19 | But Blackhawk Ventures has related companies; correct?

20 | A. Define related. I don't understand related.

21 | Q. What does related mean to you?

22           A.     I would imagine that related in this field, I  
23     guess for lack of better words, is that there are other  
24     companies that Blackhawk is associated with.

25 | Q. Let's use that definition.

1       A.     Or companies that somehow are associated with  
2     it in the conduct of its business.

3 Q. Let's use that definition. Are there any such  
4 companies?

5 | A. No, sir, not to my knowledge.

6 Q. Who -- tell me the corporate structure of  
7 Blackhawk Ventures, LLC? Who incorporated that company?

8 | A. I don't know.

9 MR. NOEL: If you don't know --

10 THE WITNESS: I don't know who  
11 incorporated it.

12 Q. (By Mr. Valadez) Were you an incorporator of  
13 the company?

14 | A. I'm sorry?

15 Q. Were you an incorporator of the company?

16           A.    No, sir.  No, sir, no.

17 Q. What was your relationship to the company?

18           A.     I was the president and owner.

19	Q. Did you start Blackhawk?
----	-----------------------------

20	A. No, sir.
----	-------------

21 Q. Okay. How did you come to be related to  
22 Blackhawk?

23	A. Related?
----	-------------

24 MR. NOEL: When did you own it? How did  
25 you acquire it?

1 THE WITNESS: I was approached to take  
2 over the ownership of this company because the company  
3 needed to be -- at least the way that it was explained  
4 to me at the time was that it needed to be headed by a  
5 veteran, a service disabled veteran. And so I was a  
6 general manager in the field when I was approached to  
7 take over the leadership of the company. And I did so  
8 in late '06, very early '07. And then that's --

9 Q. (By Mr. Valadez) That mean 2006-2007?

10 A. Yes, sir.

11 Q. Late 2006, early 2007?

12 A. Yes, sir.

13 Q. Okay. And who approached you?

14 A. The leadership of the of Federal Management  
15 Solutions.

16 Q. Who is Federal Management Solutions? What is  
17 that?

18 A. That is a management group.

19 Q. Yes, sir.

20 A. And they approached me in that time frame to  
21 take -- to take over the leadership. That is -- I don't  
22 know how else to respond to this question.

23 Q. Well, you are calling them the leadership. I  
24 assume it was a person that spoke to you?

25 A. Yes, sir.



1 Q. Not just this entity.

2 A. Of course. But I don't know. All I know is  
3 that I was -- like I said, I was a superintendent on a  
4 project manager.

5 Q. You were a superintendent on a what?

6 A. On a project, okay, working for -- at the time,  
7 I was working for Mapco, M-A-P-C-O. And then they knew  
8 of my veteran status and they asked me to come in and  
9 sit down for an interview for this position. And I say  
10 interview. Basically, they were offering me the  
11 position. That's --

12 Q. What was your understanding of Federal  
13 Management Corps relationship to Blackhawk Ventures,  
14 LLC?

15 A. Say that again, please. Please repeat your  
16 question.

17 Q. Well, you said that --

18 A. I want to make sure I understand.

19 Q. Somebody you can't identify from Federal  
20 Management Corp approached you about taking over the  
21 ownership of Blackhawk Ventures. That is what you told  
22 me; right?

23 A. Yes, sir.

24 Q. And this was in late '06 or late '07 while you  
25 were a superintendent for Mapco.

1 A. Yes, sir.

2 Q. Were you an owner of Mapco by the way?

3 A. No, sir. No, sir.

4 Q. And my question to you is at the time that you  
5 were approached, what was your understanding of the  
6 relationship between Federal Management Corp and  
7 Blackhawk Ventures at the time you were approached?  
8 What gave them the right to come and interview you to  
9 take over this different company?

10 A. Federal Management Solutions was owned -- was  
11 owned by a gentleman that was a disabled veteran but it  
12 was a joint ownership between this gentleman and one of  
13 the people that owned FMS or Federal Management  
14 Solutions, right.

15 Q. What was the joint -- FMS and Blackhawk?

16 A. No, no, no, not between FMS and Blackhawk. It  
17 was a joint ownership between the person that owned the  
18 company and --

19 Q. Who is the company?

20 A. Blackhawk.

21 Q. Okay.

22 A. And one of the people left owned or -- I am not  
23 sure if I am even using the correct words here -- but  
24 that owned FMS. These two fellows owned -- jointly  
25 owned Blackhawk. Well, this fellow --

1 Q. These people don't have names?

2 A. Sir, I don't remember the name. I don't  
3 remember the name. It was such -- their owners -- his  
4 ownership -- and I say his but it was -- their ownership  
5 was very brief. They established the company. And this  
6 fellow that had the physical disability upon which the  
7 company was formed moved out of state.

8 So when this person moved out of state,  
9 the SBA told Blackhawk that they could no longer exist  
10 as a USSBA entity because that person needed to live in  
11 the state from which they were doing business. Okay.

12 So consequently, a person doing business  
13 in Texas can't live in California and that is exactly  
14 what the situation was because it was upon his -- it was  
15 upon his ownership that the company was based. I  
16 genuinely don't remember this person's name. I'm sorry.  
17 I apologize for that.

18 Q. Let me ask you a question.

19 A. Yes, sir.

20 Q. When you interviewed, who did you interview  
21 with, which person?

22 A. I interviewed -- I interviewed with the -- I  
23 guess it was the CEO or COO of FMS or somebody.

24 Q. Do you know that person's name?

25 A. A person by the name of Michael Wiebracht.

1 Q. Michael?

2 A. Wiebracht.

3 Q. He was either the what, CEO or COO?

4 A. He called himself the COO. That is what he  
5 calls, chief operating officer.

6 Q. COO of FMS?

7 A. Yes, sir.

8 Q. It was Michael?

9 A. Wiebracht.

10 Q. How do you spell that?

11 A. W-I-E-B-R-A-C-H-T.

12 Q. B-R-A-C-H-T.

13 A. Yes, sir.

14 Q. Is he related to a guy named Steven Wiebracht?

15 A. Yes. Steven Wiebracht is his younger brother.  
16 If you are talking about a familial relationship, they  
17 are brothers.

18 Q. They are brothers? What is Steven's role?

19 A. Initially, there was no Steven in the company.  
20 It was maybe six months to a year after all of this --  
21 FMS was established that Steven came into the fold and  
22 he became basically the financial officer. He is the  
23 one that attended to all of the books and all of the --  
24 keeping all of the companies separated and everything.

25 Q. Of which company? Are you talking about the

1 CFO, chief financial officer?

2 A. Yes, sir. I guess for lack of better words, I  
3 wouldn't know.

4 Q. And Steven Wiebracht, what year did he become  
5 the CFO?

6 A. Probably late '07/early '08 as close as I can  
7 get to it.

8 Q. That was CFO of --

9 A. FMS.

10 Q. FMS. Was he ever the CFO of Blackhawk?

11 A. No, sir, not to my knowledge.

12 Q. You said that it was late '08. Is that what  
13 you said?

14 A. Late '07/early '08. That is the best of my  
15 recollection. I am a 70 year old man. I don't remember  
16 everything.

17 Q. The guy that moved, the military service  
18 disabled guy --

19 A. Uh-huh.

20 Q. -- was he Anglo or Hispanic?

21 A. He was Anglo.

22 Q. Anglo?

23 A. May I ask why that makes a difference?

24 Q. Because I have a list of names. I am trying to  
25 narrow it down. If you need to know, that's why.

1	A.	No.
---	----	-----

2 Q. Because you don't seem to have any recollection  
3 so I have to narrow it down somehow.

4 | A. I just don't understand how --

5 MR. NOEL: Don't worry about it.

6 THE WITNESS: Thank you.

7 Q. (By Mr. Valadez) I am trying to narrow it down  
8 because you don't have any recollection of anything. I  
9 have to do it somehow. You are not giving me any other  
10 choice.

11 A. That's fine. Thank you.

12 | Q. That is why it makes a difference.

13	A. Yes, sir.
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14 Q. Does that offend you that I am trying to narrow  
15 it down?

16           A.    No, sir, I was just being curious.  That is  
17 all.  It was just curiosity.

18 Q. I just want to make sure I don't offend you.

19           A.     No, sir.  No, sir.  I was in the Navy for 20  
20 years.  I don't get offended that easily.

21 Q. Well, I was raised on a ranch for 20 years so I  
22 don't get offended by much either.

23      A.    I understand.    I understand.

24 Q. Let me keep going here. So you took this  
25 interview. Did you -- were you extended the job?

1 A. Sir?

2 Q. Were you extended the job?

3 A. Define extended. What does that mean? Did  
4 they offer me the job?

5 Q. Let's put it this way. Did they offer you the  
6 job?

7 A. Yes, but I had to -- I had to meet certain  
8 criteria.

9 Q. Such as?

10 A. I want to make sure I use the correct term. I  
11 had to basically fulfill the qualifications which was  
12 establishing my service disabled veteran owned --  
13 establishing myself as a service disabled veteran.  
14 Because at the time, I was just a standard veteran. I  
15 wasn't -- I didn't have an SBA classification of any  
16 kind.

17 So I had to go to the military, sit  
18 through a series of physical examinations for the  
19 deficiencies that were deemed service related. And once  
20 that was established, that had to go off to the USSBA.  
21 And the USSBA came back with their approval and granted  
22 me that status as a service disabled veteran upon which  
23 the company was then established or reestablished, I  
24 don't know, you know, at that point.

25 Q. Whenever this job offer where you met the



1 qualifications and the job offer was extended, did you  
2 purchase an interest in Blackhawk?

3 A. No, sir.

4 Q. You did not?

5 A. No, sir.

6 Q. So tell me then who satisfied the qualification  
7 for the SBA that it be majority owned by a service  
8 disabled veteran if you didn't buy an interest in the  
9 company?

10 A. I'm sorry. I don't understand that at all.

11 Q. My understanding is that there is a requirement  
12 of the SBA to get a designation for a service disabled  
13 veteran owned small business as you called it, that you  
14 have to be majority owned by a service disabled veteran.  
15 So that is my question. If they brought you in to  
16 satisfy that designation and you didn't buy an interest,  
17 my question to you is who was it at Blackhawk, LLC that  
18 satisfied from a majority ownership perspective the  
19 service disabled veteran designation if you did not have  
20 a majority interest in the company, if you didn't buy  
21 any ownership interest in the company? Who was it  
22 that --

23 You told me that is why they interviewed  
24 you, right, because that guy moved out of state. And my  
25 question is when you took over, if you did not buy any



1 ownership interest, who satisfied that qualification for  
2 the SBA designation?

3 A. I don't know. I don't know.

4 Q. When do you say that the SBA sustained or you  
5 said affirmed your designation as a service disabled  
6 veteran owned small business after your training, when  
7 was that?

8 A. After what training?

9 Q. Well, you said you had to go get -- complete  
10 something to get approved by the SBA. That is what you  
11 just said a minute ago.

12 A. Yes, sir, I had to go take physical  
13 examinations to confirm my disabilities.

14 Q. When did that happen then?

15 A. In '07.

16 Q. And you are saying it was at that time that the  
17 SBA approved Blackhawk, LLC's designation due to you as  
18 a designated service disabled veteran?

19 A. Yes, but there is a chronology; right? I mean  
20 the chronology is that I had to take -- I had to sit for  
21 these examinations. And these are physical examinations  
22 by the way.

23 Q. Okay. I understand.

24 A. Once these physical examinations were  
25 satisfied, that information had to be forwarded to the

1 USSBA.

2 Q. Right.

3 A. And then once the USSBA conducted their review,  
4 they granted me certain percentage points of disability.  
5 And once that was met, then it had to go to the USSBA  
6 for approval. And the USSBA acknowledged my  
7 disabilities. And then I guess is when the ownership  
8 was passed to me.

9 Q. So now you are telling me ownership was passed  
10 to you then?

11 A. Who else could it have been? It has to be a  
12 service disabled veteran owned company.

13 Q. I just asked you that a minute ago and you said  
14 ownership wasn't passed to you. You are confusing me.  
15 I just asked you a minute ago -- that is what started  
16 this whole line of questioning.

17 A. I think you are confusing me. I don't mean  
18 to --

19 MR. VALADEZ: Would you go back and read  
20 the question, the original question that started this  
21 where I asked him whether he received an ownership  
22 interest upon receiving the SBA approval? I think that  
23 was the question I asked.

24 (Requested portion read.)

25 Q. (By Mr. Valadez) Let me ask the question very

1 clearly because I am trying to get to a very succinct  
2 point here. Upon receiving SBA approval of your  
3 designation as a service disabled veteran, did you, in  
4 talking with whoever it was you were talking from FMS,  
5 receive a majority ownership interest in Blackhawk?

6 A. I don't know how to answer that question. I'm  
7 sorry. I am not trying to be difficult. But at that  
8 point in time, Blackhawk and its ownership was -- there  
9 was -- it was three people plus myself that was  
10 involved. And it was the leadership at FMS that either  
11 they felt or they implied that they had partial  
12 ownership of FMS vis-a-vis Blackhawk and I was to be the  
13 representative.

14 Having said that, a month, maybe two, it  
15 could have even been as much as a year later, the SBA  
16 and the VA said -- somehow told us -- and I say us, I  
17 mean Blackhawk -- that a service disabled veteran owned  
18 company had to have as its owner, sole owner a  
19 service disabled veteran. And the only person that that  
20 was was me. And so at that point, I became the sole  
21 owner of Blackhawk.

22 Q. This is as of what year that you became sole  
23 owner of Blackhawk?

24 A. I would say '08.

25 Q. And how long did that continue until?

1       A.     This is 2020. Eight years, '16. Actually, it  
2 exists today. I mean the company is still an entity but  
3 it is not a working viable entity. I haven't had a  
4 contract in four years. I believe so. I haven't had a  
5 contract to attend to in four years.

6       Q.     Okay. So the company has not been -- Blackhawk  
7 has not been dissolved as of today?

8       A.     Right. But it --

9       Q.     I am just asking has it been dissolved as of  
10 today?

11      A.     No, sir, it has not been dissolved, no, sir.

12      Q.     As of 2008 through today, you are still the  
13 sole owner of Blackhawk?

14      A.     Yes, sir.

15      Q.     Who is who is Blackhawk Construction?

16      A.     That is one and the same. Blackhawk,  
17 LLC/Blackhawk Construction is the same company. It is a  
18 d/b/a.

19      Q.     Is that just a different d/a/a?

20      A.     A different d/b/a, doing business as, yes, sir.

21      Q.     How about BHV Properties, LLC?

22      A.     BHV, I am not familiar with that.

23      Q.     You are not familiar with that company?

24      A.     No, sir.

25      Q.     Do you know why -- by the way, how many people

1 managed Blackhawk?

2 A. How many people?

3 Q. Managed Blackhawk?

4 A. Today managed?

5 Q. Yeah. Back in the 2015-2016 time frame.

6 A. '15-16, I had a receptionist and an office  
7 manager at that point and one superintendent in the  
8 '15-16 time frame. That is all I had.

9 Q. That's it.

10 A. That is all I had, yes, sir.

11 Q. You said you had a receptionist and a  
12 superintendent?

13 A. Superintendent.

14 Q. Anybody else?

15 A. And an office manager.

16 Q. And an office manager?

17 A. Yes, sir, plus myself obviously.

18 Q. Right, I understand. And what did you call  
19 yourself what was your designation?

20 A. I was president and owner.

21 Q. President and owner?

22 A. I might have a business card. I don't know. I  
23 don't think I called myself anything else. I may not  
24 have one.

25 Q. If you have one, you mind if we take a picture?

1 I will give it back to you. I promise.

2 A. I'm sorry. I thought I did but I don't appear  
3 to.

4 Q. If you don't, that's fine. But you think it  
5 said president and owner on it?

6 A. Yes, sir, I do believe that.

7 Q. Do you know why your insurance policy -- you  
8 know, my client has a long name but it is really called  
9 CNA for short. Are you familiar with that, CNA?

10 A. My --

11 Q. Your what, sir?

12 A. -- recollection --

13 Q. Yes, sir.

14 A. -- of everything business, I dealt with so many  
15 people and so many entities, that I couldn't tell you,  
16 you know, what that series of letters means.

17 Q. I understand. I assume Continental Casualty  
18 Company, National Fire Insurance Company of Hartford and  
19 Valley Forge Insurance Company, that their short-term  
20 designation for that company is CNA.

21 A. Okay.

22 Q. So just for -- make it easier for today's  
23 deposition, whenever I refer to my client, I am going to  
24 call them CNA.

25 A. Yes, sir.

1 Q. But under the CNA policy, have you ever  
2 heard -- have you ever bought an insurance policy before  
3 by the way?

4 A. The insurance, the only -- my only -- are you  
5 talking via Blackhawk or are you talking me personally?

6 Q. Yeah, via Blackhawk.

7 A. No, sir, I never made any of those purchases or  
8 decisions.

9 Q. Who did it for Blackhawk?

10 A. It was FMS.

11 Q. So FMS was making the purchase for Blackhawk's  
12 own policy?

13 A. FMS was a management company that we --

14 Q. I understand.

15 A. -- that we were tied to.

16 Q. I thought you were the sole owner.

17 A. Yes, sir. But FMS was the company that --  
18 again, I don't know. I don't know the terms and all of  
19 the other, you know, specificities I guess of  
20 identifying these kinds of things. All I know is that  
21 FMS was the management company that we were tied to,  
22 associated with.

23 Q. Who paid you? Did you pay yourself?

24 A. Yeah, yeah.

25 Q. So you dealt with your own money at Blackhawk?



1       A.     I dealt -- I got -- I paid myself. Blackhawk  
2 paid me. Blackhawk paid me.

3       Q.     I understand. But you were Blackhawk because  
4 you were the sole owner.

5       A.     Right.

6       Q.     So that is why I am saying you as the owner of  
7 Blackhawk through Blackhawk paid yourself a salary?

8       A.     Right.

9       Q.     You paid the secretary's salary. You paid the  
10 officer manager's salary. You paid your superintendent  
11 a salary.

12       A.     No, no, I did not. No, no, that was paid by  
13 FMS. They are -- they were the management group that we  
14 were -- that we were associated with. And therefore,  
15 they provided all of the personnel. They provided all  
16 of the field people, all of the personnel. The only  
17 people that I had left at that time -- and they were  
18 still being paid by FMS at that point -- was my office  
19 manager, my superintendent and my receptionist.

20       Q.     So you as the sole owner of Blackhawk, you had  
21 entrusted that responsibility to FMS?

22       A.     I understand. I understand your use of the  
23 word entrusted but it was more than being entrusted. We  
24 were -- we signed a contract with FMS that they were  
25 going to be our managers.



1 Q. I understand.

2 A. Right.

3 Q. But Blackhawk is your company though.

4 A. Yes, sir. Yes, sir, I understand.

5 Q. And I understand you signed a contract but that  
6 is my whole point. Your contract entrusted certain  
7 duties of Blackhawk over to FMS, management duties to  
8 handle for you; right?

9 A. Uh-huh.

10 Q. Like paying these people you are talking about.

11 A. Uh-huh.

12 Q. You have to say yes or no on the record.

13 A. Yes, sir.

14 Q. So that is what you are telling us is like that  
15 was a duty that was turned over to FMS, paying people  
16 other than yourself that worked for Blackhawk.

17 A. Right.

18 Q. And I think you also mentioned handling the  
19 insurance, securing the insurance was also handed off to  
20 FMS.

21 A. That's correct, sir.

22 Q. By contract?

23 A. That's correct.

24 Q. How about paying of the insurance?

25 A. As well, yes, sir.

1 Q. That was handed off to FMS?

2 A. Right, yeah. Well, they -- it was paid via  
3 Blackhawk coffers using Blackhawk money. But they  
4 presented us with -- FMS gave us a listing, kind of a --  
5 they would tell us this is due and this is due. So from  
6 my understanding --

7 Q. FMS would tell you that?

8 A. FMS, yeah, they were the agent management  
9 company, right. So they would tell us this is due, this  
10 is due and this is due. And my office manager would  
11 prepare checks, Blackhawk checks and we would pay those  
12 bills. That was my understanding of it.

13 Q. Oh, so it was really Blackhawk paying its own  
14 bills whenever FMS told you to pay Blackhawk's bills.

15 A. I would say yes but not on all occasions, not  
16 on all occasions.

17 Q. That is where you are losing me. What do you  
18 mean on not on all occasions? Tell me what you mean.

19 A. Well, I just recall that they would -- that  
20 they would bring me certain checks to sign for services  
21 rendered. And I would imagine that this insurance is  
22 one of those things. And when they brought me the  
23 check, they would tell me this is for this particular  
24 thing and so we would pay it. But it came from -- it  
25 came from Blackhawk's monies to my knowledge. I don't

1 know where else it could have come from to be very  
2 honest with you.

3 Q. That is what I was going to ask you.  
4 Blackhawk, I understand, was in the business of securing  
5 construction contracts because you would get priority  
6 because you were a service disabled veteran owned small  
7 business. So you had priority on like government  
8 contracts because of that designation; correct?

9 A. I had -- I had access.

10 Q. Right.

11 A. I did not have priority.

12 Q. Okay. But it gave you access to certain  
13 jobs -- well, let me say this. It did give you a  
14 certain priority; did it not, sir?

15 A. No, sir.

16 Q. You are telling me a minority designation by  
17 the SBA did not give you a priority under certain  
18 contracts when there is a percentage set aside for  
19 minority contracts in government contracting? You  
20 really are saying that?

21 A. I can't -- I can't say otherwise in good  
22 conscious because it was a competitive thing.

23 Q. Right.

24 A. It wasn't -- the SBA wasn't handing me a  
25 contract and said here, give me a bid on this. It was

1 handing -- it was making available contracts to like  
2 companies. Okay. I wasn't the only service disabled  
3 veteran in this whole place that was bidding on these  
4 jobs.

5 Q. Okay.

6 A. I would --

7 Q. We are talking apples and oranges. Let me tell  
8 you, because we are a designated minority business.

9 A. Okay.

10 Q. I will tell you we get preference. And show me  
11 that you didn't get a preference you go from where the  
12 people who can submit contracts is this wide for all  
13 contracts.

14 A. Okay.

15 Q. And your ability to compete when you are  
16 dealing with the Joeris, the Gary Joeris Companies, you  
17 know, the big construction companies, it would be very  
18 tough for you to get contracts in those areas; right, in  
19 that competitive world?

20 A. I would have to say -- I would have to say that  
21 I don't know any other form of competitiveness. The  
22 only arena that I was ever in was the service disabled  
23 veteran owned arena.

24 Q. Fair enough.

25 A. No, please.

1 Q. Go ahead. I am going to let you finish.

2 A. Because of that, the only people that I ever  
3 competed with were service disabled veteran owned  
4 companies or veteran owned companies.

5 Q. Got you.

6 A. Those are the people that I ever competed with.  
7 So I don't know what the broad or the big scope of  
8 things are. All I know is that within my ability to be  
9 competitive --

10 Q. Excuse me. Let me state the question another  
11 way. I think we can solve this. Would you agree that  
12 the arena for submitting bids for contracts that you  
13 dealt with at Blackhawk as a service --

14 A. Disabled veteran --

15 Q. -- disabled veteran small owned business is  
16 your competitors were similarly situated small  
17 businesses?

18 A. I guess so, yes, sir. I think that's --

19 Q. You did not have to compete against non either  
20 minority owned or service disabled owned -- service  
21 disabled veteran owned small businesses for those  
22 contracts. That is what I am trying to say. Because  
23 these are contracts are segments of contracts that are  
24 reserved for service disabled veteran owned small  
25 businesses; right?

1 A. Yes, sir.

2 Q. Okay. That is what I meant to say.

3 A. Okay.

4 Q. So using that as the priority that I meant, I  
5 didn't mean priority in any other way. I am just  
6 meaning this is a reserved area that only service  
7 disabled minority -- I mean service disabled veteran  
8 owned small businesses can compete in.

9 A. Right, that's correct.

10 Q. And my question to you is when you did that,  
11 any contracts that you won, any bids that were awarded  
12 to you, was the money paid from whatever governmental  
13 entity or whoever awarded the contract, was it paid  
14 directly to Blackhawk?

15 A. I would have to say yes.

16 Q. Fair enough.

17 A. I don't know any other way to answer that.

18 Q. Fair enough. And that is what you paid  
19 whatever FMS directed you to pay under this management  
20 contract you had with them.

21 A. Yes, sir.

22 Q. Fair enough?

23 A. As far as I can tell.

24 Q. Including the insurance contract in question  
25 here.

1 A. Including all of that.

2 Q. Except this one never got paid.

3 A. Well, again, I would not have known that.

4 Q. Why?

5 A. Because it wasn't one of the things that we  
6 dealt with at the company, you know. I don't know.

7 Q. You are saying it wasn't one of the things that  
8 we dealt with as a company. Paying your bills --

9 A. FMS, FMS paid certain bills. We paid -- they  
10 presented us with an invoice to pay and we paid it. I  
11 wasn't -- you are asking me -- you are asking me  
12 minutia, okay. And I don't -- I don't know that level  
13 of minutia.

14 I was -- I was -- my job was to seek out  
15 and get contracts and to go out and do the site visits  
16 and to glean as much information from the various  
17 governmental agencies that we dealt with. I spoke to  
18 the people that called and asked about the contracts  
19 themselves and the jobs that were available. I did not  
20 deal with the -- I don't know the word to use.

21 MR. NOEL: The accounting.

22 THE WITNESS: Yeah, I guess the  
23 accounting.

24 MR. NOEL: With the accounts.

25 Q. (By Mr. Valadez) But let me ask you, you



1 couldn't get these contracts unless you had this type of  
2 insurance policy for the particular jobs; could you?  
3 Didn't you have to be bonded? You had to have  
4 performance bonds?

5 A. Oh, yeah.

6 Q. The insurance policies to even get the job?

7 A. Right. But that, again, is another --

8 Q. But you are calling this minutia?

9 A. That, again, is another thing that FMS provided  
10 us.

11 Q. I know. But I want to make sure I am  
12 understanding you. You are calling this minutia?

13 A. Am I using the wrong terms? Am I?

14 Q. No, it is your deposition. You can call it  
15 whatever you want. I just want to make sure. I heard  
16 you call it minutia a minute ago.

17 A. Yes, sir.

18 Q. I just want to make sure. You are calling a  
19 premium on an insurance agreement that you needed in  
20 order to get the contract in the first place --

21 A. Yeah.

22 Q. -- you are calling that minutia?

23 A. But I don't know anything else to call it.

24 Q. Fair enough. Fair enough.

25 A. Because if you -- it is just that there was --



1 there was so much from an administrative standpoint,  
2 from an administrative standpoint. There was and  
3 probably to this day exists in almost all companies a  
4 level of administration that has to be conducted. That  
5 is why -- that is why people hire administrators and  
6 office managers and things of that nature, to handle  
7 those kinds of things. And I trusted the people that  
8 worked for me and that I worked with to provide me with  
9 the information to keep the company moving forward. And  
10 that, to me, is another one of those things. I  
11 didn't -- I didn't review everything and look at  
12 everything. I took what people provided me on their  
13 face value.

14 Q. I understand. I think I understand what you  
15 are saying. Let me ask you this. I just want to make  
16 something really clear here. You are saying this  
17 insurance agreement with CNA, it would have been  
18 obtained by FMS on behalf of Blackhawk?

19 A. It must have -- it must have been one of those  
20 things that they established.

21 Q. I don't want to know must have. I mean  
22 either -- what I need to know is did Blackhawk obtain  
23 its own insurance or did FMS obtain your insurance on  
24 bids that you were going out and trying to get? Who  
25 would get the insurance for these bids?

1 MR. NOEL: It is only if you know. Don't  
2 guess.

3 THE WITNESS: I don't know. I am not --  
4 and I am not going to guess because I would be doing you  
5 a disservice. I don't know.

6 Q. (By Mr. Valadez) Well, if the -- you will agree  
7 then though if it is issued to Blackhawk, it is  
8 Blackhawk's debt.

9 A. That is Blackhawk. No, I don't know that. I  
10 don't know that. I can't speak to that because -- well,  
11 I just don't know. I can't -- I can't go beyond that.  
12 I would be guessing or just trying to give you --

13 Q. I think it has already been judicially  
14 determined because we have a default judgment. My  
15 question, however, is -- what I am trying to figure out  
16 though is from what I am hearing you telling me is you  
17 received the money. In other words, these were tied to  
18 specific -- these policies were tied to specific jobs  
19 that you got, bids that you were awarded; correct?

20 A. I guess.

21 Q. These policies?

22 A. I guess. I don't know. I don't know. I am  
23 not kidding you. I am not making this up. I am not --  
24 I am not trying to frustrate you either, sir.

25 Q. You are not frustrating me at all. I am trying

1 to understand. You didn't have a clue what was going on  
2 at Blackhawk?

3 A. Not at that level, not at that level.

4 Q. Do you -- did you know enough to know that your  
5 policies, that you had to get policies on bids that you  
6 were trying to get on behalf of Blackhawk, construction  
7 bids? Did you know about enough about that?

8 A. The only thing that I was aware of is we had to  
9 have bonding.

10 Q. That is what I am talking about, performance  
11 bonding.

12 A. That is the only thing that I was aware of,  
13 that all government contracts had bonding associated  
14 with it. That is all that I knew of.

15 Q. Your performance bonds?

16 A. Yes, sir.

17 Q. Okay. And those were tied -- your bonding,  
18 your performance bonds were tied to specific contracts.

19 A. Yeah.

20 Q. Okay. And under these contracts, you would --  
21 under that specific contract, you were paid a fixed  
22 amount under that contract with whatever entity that you  
23 entered into this construction contract with, the bid  
24 you were awarded.

25 A. Yes, sir.

1 Q. When you did -- you did your own pricing on  
2 your bid when you were going to submit your bid?

3 A. The bidding you mean?

4 Q. Yes. You did your own bidding?

5 A. No, that was done by FMS as well. FMS, we were  
6 in on the bidding. We submitted the data that had been  
7 collected at the site visits. And we provided all of  
8 that information to a bidding department and they did  
9 the bidding. And they did --

10 Q. FMS did the bidding?

11 A. Yes, sir. But it was -- yes, that is as much  
12 as I -- yeah, they did the bidding. And we -- like I  
13 said, we just provided the information to them as far as  
14 the site visits were concerned.

15 Q. Okay. I am going to come back to this area in  
16 a little bit. Now, you told me BHV Properties, LLC, you  
17 said you never heard of them; correct?

18 A. No.

19 Q. Do you know why they were requested to be an  
20 additional named insured under the CNA policy?

21 A. No, sir, I don't know that.

22 Q. Who would have made that request? FMS?

23 A. I can't speculate. I don't know.

24 Q. Well, you didn't do it because you didn't  
25 negotiate or do the contracting for insurance; correct?

1 A. No, sir, not that I am aware of.

2 Q. Who did that?

3 A. I don't know. I don't know anything about BHV.

4 Q. No. I am saying who did the obtaining of  
5 insurance? You told me that was FMS's job; right?

6 A. Yes, sir. As far as I know, as far as I could  
7 tell.

8 Q. So the requesting of this entity to be an  
9 additional named insured, that would have been done  
10 by -- requesting this entity to be named as an  
11 additional insured, that would have been done by FMS  
12 under your understanding?

13 A. I don't know. I'm serious. I don't know. I  
14 don't know anything about BHV so I don't know.

15 Q. Let me ask the question this way. Who did any  
16 of the requesting for the named insured schedules under  
17 the insurance agreements obtained for Blackhawk? Who  
18 did that request?

19 A. I don't know. All I know is that FMS was the  
20 management company that we were associated with.

21 Q. Do you have a copy of the FMS contract?

22 A. No, sir.

23 Q. Where is it?

24 A. I have no idea. I don't have an office  
25 anymore. I don't have an entity anymore. Everything

1 has been --

2 Q. Does FMS have it?

3 A. I can't speak for FMS, sir. I don't know.

4 Q. Who owns FMS?

5 A. To my knowledge, if it even exists, it would be  
6 the Wiebracht brothers.

7 Q. Those two?

8 A. Yes, sir.

9 Q. So if I go serve a subpoena on them, that is  
10 where I start?

11 A. That is as much as I know.

12 Q. I understand. That is where I start is on the  
13 Wiebracht brothers.

14 A. I would.

15 Q. Where do you understand that they live?

16 A. I don't. I have no idea where they live.

17 Q. Where did they last live that you know of?

18 A. I do not know that. I mean I know they live in  
19 San Antonio.

20 Q. When is the last time you talked to Steven  
21 Wiebracht?

22 A. 2016 maybe.

23 Q. When is the last time you spoke to Michael  
24 Wiebracht?

25 A. About same time frame, probably in the spring

1 or summer of 2016, no.

2 Q. You are not involved in litigation with them  
3 right now?

4 A. I beg your pardon?

5 Q. Your are not involved in litigation with them  
6 right now?

7 A. Am I?

8 MR. NOEL: We have settled out.

9 Q. (By Mr. Valadez) When was that case settled?

10 A. Let me see. If I am thinking the right thing,  
11 it was what --

12 MR. NOEL: Are you referring to the  
13 Traveler's litigation? So we entered into a settlement  
14 agreement in June. We had --

15 MR. VALADEZ: Of 2019?

16 MR. NOEL: Yes, we had 180 day  
17 confidentiality period that just expired. It ended this  
18 summer.

19 Q. (By Mr. Valadez) Was FMS in that lawsuit?

20 A. I don't know. I don't know if FMS has an  
21 entity.

22 Q. Hold on. I will find it. Who is Michael  
23 Padron?

24 A. Michael Padron is the owner of Blackhawk.  
25 Excuse me.



1 Q. Of Blackhawk? I thought you were the owner of  
2 Blackhawk.

3 A. So did I. Michael Padron owns Mapco. Always  
4 has, probably always will.

5 Q. Now, can you tell me -- you used to work for  
6 Mapco?

7 A. Yes, sir.

8 Q. Blackhawk got caught up in the Traveler's  
9 lawsuit; right? It was a defendant in that case?

10 A. Yeah.

11 Q. Why would Mapco and Michael Padron also be a  
12 party in that case?

13 A. Why would they be?

14 Q. Uh-huh.

15 A. Because Mapco was another one of the companies  
16 that was managed by FMS I would imagine. I don't know  
17 why else they would be.

18 Q. Have you ever heard of Blackhawk-Jamco, an  
19 SDVOB joint venture?

20 A. Yeah.

21 Q. Who is that?

22 A. Who is Jamco?

23 Q. Yes, Blackhawk-Jamco SDVOB Joint Venture, what  
24 is that?

25 A. It was a joint venture between Blackhawk and



1 Jamco which is Joe -- Joseph Albert Muniz Company is  
2 what Jamco stands for. And he was -- they were --

3 Q. It is who? Richard Muniz?

4 A. No, Joe, Joe.

5 Q. Joe Muniz?

6 A. Joe Muniz.

7 Q. Go ahead. I'm sorry.

8 A. Joe Albert Muniz. It was yet another one of  
9 the companies that were involved in the FMS umbrella  
10 kind of thing.

11 Q. Yeah. What was its relationship to Blackhawk?  
12 It was just a joint venture?

13 A. It was a joint venture. It was -- I guess it  
14 was just a way that FMS and Jamco in order to extend, I  
15 guess, or get more contracts, the government would allow  
16 for joint ventures if the service disabled entity would  
17 bring in a non-service disabled veteran company that had  
18 certain qualifications and could meet certain  
19 requirements as far as performance was concerned, they  
20 would bring them in and tie it as a joint venture and  
21 use each others credentials in order to move forward.

22 Q. If a non --

23 A. SDVOB.

24 Q. Veteran disabled small business didn't have the  
25 ability, they could bring a joint venture with somebody

1 to beef up and go after a contract. Is that what you  
2 are saying?

3 A. Right. But it was -- I would just from a  
4 lay-person's viewpoint, it was a way to -- it was a way  
5 to access the government contracts utilizing other  
6 people's capacities or capabilities.

7 MR. VALADEZ: Can we take a break in the  
8 deposition?

9 THE WITNESS: Sure.

10 (Recess taken)

11 Q. (By Mr. Valadez) Okay. So you said Jamco --  
12 what did you say the name of the man that ran Jamco is?

13 A. Joe Albert Muniz.

14 Q. Muniz.

15 A. M-U-N-I-Z.

16 Q. And he is also a contractor?

17 A. Yes, sir.

18 Q. That occasionally did joint ventures with  
19 Blackhawk?

20 A. Occasionally. To my recollection, I think we  
21 may have had two, maybe three joint ventures with him.

22 Q. Fair enough.

23 A. To my recollection but that has been a while.

24 Q. How about Blackhawk Constructors, LLC?

25 A. Blackhawk Constructors, LLC is a d/b/a of

1 Blackhawk Ventures, LLC.

2 Q. By the way, any of these entities that I have  
3 listed for you that we have gone over, the Blackhawk  
4 entities, did you incorporate any of those companies?

5 A. No.

6 Q. Were they already in existence when you went to  
7 work for or when you bought your interest in Blackhawk,  
8 when you acquired your ownership interest in Blackhawk?

9 A. I don't know. I don't know.

10 Q. Did you all have a lawyer, Blackhawk?

11 A. No, not that I know of.

12 Q. Did you have an accountant?

13 A. Yes.

14 Q. Who was your accountant?

15 A. The accounting firm of Ridout Barrett.

16 Q. Who?

17 A. Ridout Barrett, R-I-D-O-U-T dash Barrett,  
18 B-A-R-R-E-T-T.

19 Q. E-T-T?

20 A. Yes, sir.

21 Q. Were those the accountants only for Blackhawk?

22 A. All I know is that they were Blackhawk's  
23 accountants. I don't know if they were everybody's  
24 accountants. I couldn't tell you.

25 Q. Were they accountants for -- how did you find

1 | them, Ridout Barrett?

2           A.    I did not find them.  They were already  
3 existing.  When I came to taking over this -- to my  
4 knowledge, Ridout Barrett was already working for FMS I  
5 would imagine.

6	Q. Okay.
---	----------

7 A. And we just followed suit.

8 Q. Were they accountants for FMS too?

9 A. I can't speak to that, sir. I don't know.

10 Q. Well, I am trying to figure out if Blackhawk --  
11 was Blackhawk an independent company or was it subject  
12 to the direction of another company?

13           A.     I don't know how to answer that. I know that  
14 we sought our own company. We sought our own contracts  
15 but we were contractually tied to FMS for their  
16 services. That's as much as I can tell you about it.

17 Q. How was FMS paid?

18           A.     The way I recall it, if they provided a service  
19     let's say for a superintendent on the job, they billed  
20     Blackhawk for that.

21	Q. Okay.
----	----------

22           A.     If they provided service for an assistant  
23     superintendent or laborers for that job or any other  
24     thing that they brought to the table, then they would  
25     bill Blackhawk accordingly for that. That was my --

1 that was my understanding of it.

2 Q. Did Blackhawk ever employ its own -- other than  
3 that one superintendent you told me about, you told me  
4 you had one superintendent.

5 A. At the end, yes, sir.

6 Q. What do you mean by at the end?

7 A. At the end, the time frame period that you  
8 asked me about, that's --

9 Q. 2015?

10 A. Right. That is the only one that I had at that  
11 time.

12 Q. Okay. Other than that one superintendent, if  
13 any other help -- labor was required by Blackhawk to  
14 complete a construction contract or bid that you had  
15 been awarded, that Blackhawk had been awarded, did  
16 Blackhawk provide its own labor?

17 A. No.

18 Q. For all labor that was required under any  
19 construction contract that Blackhawk had been awarded,  
20 would FMS provide all labor to Blackhawk?

21 A. I would have to say yes.

22 Q. And it would bill Blackhawk for that?

23 A. Yes, sir.

24 Q. And have you ever negotiated a performance  
25 bond?

1 A. Negotiated?

2 Q. Yes.

3 A. (Shakes head from side to side.)

4 Q. Have you ever figured out, gone to an insurance  
5 company -- I am not talking about just at Blackhawk but  
6 ever -- gone to an insurance broker to say I need a  
7 performance bond, let's figure out what this performance  
8 bond is going to cost for this job?

9 A. No.

10 Q. Have you ever gone to do that?

11 A. No, sir.

12 Q. So you have no idea how you calculate what the  
13 performance bond is going to cost?

14 A. No, sir.

15 Q. How you, for example, base it upon the  
16 expected -- you base it upon your bid, that it is going  
17 to take this much labor at this much payroll at this  
18 many hours over this period of time. And you know, here  
19 is what your -- it will cost to get the job done.

20 A. Uh-huh.

21 Q. And the performance bond is then based upon  
22 that. That is a very crude way of explaining the  
23 calculation but have you -- you have never gone through  
24 that process before?

25 A. Not myself personally, no, sir.

1 Q. Fair enough. That was also done by FMS.

2 A. I would imagine so, yes, sir.

3 Q. Now, how would FMS get paid for handling the  
4 insurance? You told me how they were paid for handling  
5 the labor; right? They would bill you for we provided  
6 this labor?

7 A. Yes, sir.

8 Q. How would they bill -- how would they get paid  
9 for handling the insurance aspect, the performance bond  
10 aspect of bids that they were trying to get for  
11 Blackhawk?

12 A. I don't know. I genuinely do not know. I  
13 don't know how that was calculated. Did we pay them?  
14 Did they bill us for it? Yeah. But how they got to  
15 that numerical figure, I don't know.

16 Q. So let me see if I get this straight. You are  
17 the owner of Blackhawk and you have a deal, a contract  
18 with this outfit, FMS. And they are billing you for  
19 things they do on behalf of Blackhawk, labor, contract,  
20 insurance contracts, you know, various things on  
21 behalf -- because they are doing all kinds of minutia as  
22 you called it.

23 A. Yes, sir.

24 Q. Various things that Blackhawk required on a  
25 daily basis. But FMS is doing it for you.



1 A. Uh-huh.

2 Q. All of the management; right?

3 A. Yes, sir.

4 Q. And they are billing you? They are billing  
5 Blackhawk; right?

6 A. Right.

7 Q. You are the sole owner of Blackhawk and you  
8 don't have any idea how they are coming up with that  
9 number? At that time, you had no clue what their  
10 formula was to come up with what they were being paid?

11 A. Are we still talking about the bonds?

12 Q. We are talking about just -- no, FMS, how they  
13 billed you.

14 A. No, sir, I don't -- all I know is that they  
15 charged -- they charged for labor. They charged for  
16 administrative fees. They charged for certain  
17 administrative functions. Then they charged us for the  
18 bond and that was just another line item on their  
19 billing. That is as far as I can tell.

20 Q. If they never charged you for the bond -- or  
21 let me ask you do you know if the bonds involved in this  
22 case from CNA, from my client, do you know if Blackhawk  
23 paid FMS for those bonds?

24 A. No, sir, I don't know that.

25 Q. Okay. So they might have or they might not



1 have?

2 A. I'm sorry. I am not going to speculate. I  
3 don't know.

4 Q. That is what I am saying. It could have been  
5 either way.

6 A. I don't know.

7 Q. One way or another, you have no way of telling  
8 the court?

9 A. No, sir, I don't know.

10 Q. Fair enough.

11 A. That particular function, I don't know.

12 Q. Who would know?

13 A. Again, I can't speculate. I don't know who.

14 Q. You don't think FMS would know?

15 A. I would -- I guess if I was looking for an  
16 answer, I guess that is where I would look.

17 Q. FMS; right?

18 A. Yes, but I know that I don't know the answer.

19 Q. But FMS is the one -- this was their  
20 responsibility; right?

21 A. I would say so, yes, sir.

22 Q. Securing the insurance performance bond?

23 A. Yes, sir.

24 Q. And then billing you for it, that was their  
25 job; right?

1 A. Uh-huh.

2 Q. Yes?

3 A. Yes.

4 Q. And then if you paid them for it, making sure  
5 it got paid; right?

6 A. Uh-huh.

7 Q. That was their job?

8 A. Right.

9 Q. So you would pay them for the insurance  
10 performance bond and then they would pay the insurance  
11 company?

12 A. I don't know.

13 Q. Did you ever see this FMS contract?

14 A. Did I ever see it?

15 Q. Yeah. Did your eyes ever lay upon this FMS  
16 contract?

17 A. I can't recall that I ever saw a contract  
18 between us. I just -- there was just so much  
19 documentation and administrative functions at the time  
20 that I can't -- I can't say yeah, that was it. I don't  
21 know.

22 Q. But that was the whole objective of the FMS  
23 contract; wasn't it, so that they would handle all of  
24 the minutia of administration? Wasn't that the reason  
25 you had FMS?

1       A.    I don't -- I have a hard time answering that  
2 question.

3       Q.    Yeah, tell me.

4       A.    Because one, I don't know for one. But  
5 secondly, it was -- it was -- I wasn't the only company  
6 affected. I mean, you know, there was other companies.  
7 And how they dealt with them and what they did with  
8 them, I don't know. All I know is that I -- like I told  
9 you earlier --

10      Q.    What do you mean there were other companies,  
11 sir? Tell me what you mean by that? That worked with  
12 FMS?

13      A.    Yeah, yes, sir.

14      Q.    Okay. You mean like Mapco?

15      A.    Yeah, all of those other co things.

16      Q.    All of those other what?

17      A.    Co, Jamco, Mapco, all of those co things.

18      Q.    I got you. Let me ask you. As a sole owner of  
19 Blackhawk, you could have terminated this contract with  
20 FMS at any time you wanted; right?

21      A.    Realistically, yeah, I guess I could have. I  
22 could have.

23      Q.    Why didn't you?

24      A.    Until the very end, I did not see a reason to.  
25 I didn't see a -- there wasn't any point in doing that.

1 The services that they were providing me were necessary  
2 functions, services. Pardon me.

3 Q. You need a break?

4 A. No, no, no, I am good.

5 Q. Okay.

6 A. And so long as we had work, so long as we had  
7 contracts and we were pursuing these contracts, I needed  
8 people to man the jobs to the extent that they were able  
9 to obviously.

10 Q. But you know there is a lot of companies that  
11 do back office, that do administrative functions for  
12 companies such as Blackhawk. You know that; right?

13 A. At the time, I did not. This is the only  
14 association that I have ever had with the business, the  
15 business world. This is the only association that I  
16 have ever had with the business world. I am an  
17 ex-sailor. I don't know about things like that.

18 Q. You weren't an experienced businessman is what  
19 you are saying?

20 A. No, sir, I was -- I was what I believe to be a  
21 competent superintendent. Because I understood -- I  
22 understood the ebb and flow of the work when I was  
23 approached to be the owner.

24 Q. Yes. That's -- well, let me ask you. You said  
25 until the end. What did you regard the end to be?

1       A.     My understanding of the end was in 2016 when we  
2     were asked to vacate the building, I no longer had a  
3     staff.

4       Q.     Which building is this?

5       A.     427 or 429 Cevallos Street address.

6       Q.     421 Cevallos, Suite A?

7       A.     427, what would probably have been Suite C or  
8     D.

9       Q.     What address is this? You have three policy --  
10    three addresses under this policy. 421 West Cevallos,  
11    Suite A, San Antonio, Texas 78204. What is that  
12    address?

13    A.     Say it again.

14    Q.     421 West Cevallos, Suite A.

15    A.     No, sir, there is no 421. It is 427.

16    Q.     I am just telling you this is what you listed  
17    as an address. You are saying there was no such  
18    address?

19    A.     There was no 421. It was 427; right?

20               MR. NOEL: It is whatever you remember.

21               THE WITNESS: That is what I remember is  
22    427. I don't remember 421.

23    Q.     (By Mr. Valadez) So far as Blackhawk is  
24    concerned, you have never heard of 421 West Cevallos,  
25    Suite A?

1 A. No, sir.

2 Q. How about 938 West Laurel, San Antonio, Texas  
3 78201?

4 A. Yes, sir.

5 Q. What is that?

6 A. That is the address that we were -- where we  
7 were located before we moved back to 429.

8 Q. So that was Blackhawk's address during what  
9 period of time?

10 A. '15 -- probably '09 to '15, 2009 to 2015.

11 Q. 2009 to 2015, that is on Laurel?

12 A. Yes, sir, on Laurel Street.

13 Q. 2009 to when in 2015?

14 A. Right, yes, sir.

15 Q. When in 2015?

16 A. When in 2015? I just remember in the summer  
17 time.

18 Q. Fair enough. PO Box 831284, San Antonio, Texas  
19 78283. What is that?

20 A. I think that is strictly a mailing address for  
21 where the administrative staff gathered information.

22 Q. Is this a Blackhawk or FMS post office box?

23 A. I remember we had a PO Box. You know, if it  
24 was just FMS and Blackhawk and -- I remember is that we  
25 had a PO Box.

1 Q. What address did FMS have in 2015?

2 A. 427 West Cevallos.

3 Q. They were in the same address?

4 A. No, we were at 429.

5 Q. You were at 429?

6 A. Uh-huh.

7 Q. So Blackhawk, this is at what time period when  
8 you were at 429 Cevallos? Was that in the summer of  
9 2015 that you were talking about?

10 A. Yes, sir. Yes, sir, 2015.

11 Q. Until when? Until the end in 2016?

12 A. Until June, yeah, June of 2016 that we were  
13 there.

14 Q. Was that the end, June of 2016?

15 A. Yes, sir.

16 Q. That is when you were kicked out of the space?

17 A. Yeah. I guess for lack of a better word, yeah.

18 Q. And your neighbor right next to you was FMS?

19 A. At 427, it was FMS and Blackhawk, excuse me,  
20 and Mapco.

21 Q. So 42 -- FMS and Mapco were at 427?

22 A. Yes, sir.

23 Q. By the way, how many employees did FMS have in  
24 the office?

25 A. My best guess would be eight maybe.

1 Q. The Severt brothers or what did you call them?

2 A. The Wiebracht brothers.

3 Q. The Wiebracht brothers?

4 A. Yeah.

5 Q. That is two.

6 A. Padron.

7 Q. Who?

8 A. Mr. Padron officed there.

9 Q. From Mapco?

10 A. Yes, sir, he officed there. They had -- they  
11 had -- they had the accounting department and their  
12 staff. I would imagine was eight more people.

13 Q. At that same address?

14 A. Yes.

15 Q. So the accounting staff?

16 A. Uh-huh. Accounting/administrative staff.

17 Q. Did Blackhawk operate at any address other than  
18 Cevallos address, the Laurel Street address or the PO  
19 Box?

20 A. No, no, sir.

21 Q. You said you moved from Laurel. When you were  
22 on Laurel, was FMS there too?

23 A. (Shakes head from side to side.)

24 Q. They were at the Cevallos address?

25 A. Uh-huh.



1 MR. NOEL: Ruben, just to help clear up  
2 and get us a good record, she can take down everything  
3 that we say but it is hard for her to take down your  
4 non-verbal.

5 Q. (By Mr. Valadez) You have to say yes or no.

6 A. No. I'm sorry. I apologize.

7 Q. So what is the answer? I asked you whether FMS  
8 was ever at the Laurel street address.

9 A. No, sir.

10 Q. Okay. Okay. Have you ever heard of M2M  
11 Services?

12 A. No, sir.

13 Q. Let me see where this guy is.

14 MR. VALADEZ: Let's go off the record for  
15 a quick second.

16 (Recess taken)

17 Q. (By Mr. Valadez) I just asked you other  
18 entities, M2M Services, LLC, you ever heard of it?

19 A. No, sir.

20 Q. You told me about Mapco Holdings, Inc. That is  
21 Padron's company?

22 A. Yes, sir.

23 Q. Mapco, Inc., same thing?

24 A. Yes, sir.

25 Q. MBH Ventures?

1 A. I think that was one of those joint ventures?

2 Q. MBH is?

3 A. Yeah, it would be Mapco, Blackhawk, MBH. I  
4 think that was one of those joint ventures.

5 Q. That was a joint venture?

6 A. Yes, sir.

7 Q. Promasters Construction?

8 A. I know who --

9 Q. Who is that?

10 A. I know that they existed.

11 Q. What are they?

12 A. They were a plumbing company.

13 Q. How were they related to you all?

14 A. How, I don't know how but I know that they  
15 existed at the -- what is that address? It is over  
16 there by -- you know where the old True Value was  
17 where -- not 281. What is that? Where 10, the Culligan  
18 Water plant, that thing where 281 takes off to -- back  
19 to pick up 37 south, that offshoot? And 35 goes into  
20 town and it is right there, right before you hit  
21 Broadway, that was the True Value building. Right next  
22 to that True Value building was their grounds for their  
23 lumber, okay.

24 Q. Okay.

25 A. And right there is where Promasters was. That

1 is all I can --

2 Q. I know. But were they related to FMS?

3 A. I would say yes. I would say yes.

4 Q. Meaning -- so they were managed by FMS?

5 A. I don't know. I do not know.

6 Q. When you say they were related to FMS, what do  
7 you mean?

8 A. They were part of that FMS family thing,  
9 everybody under that umbrella thing. That is as much as  
10 I know.

11 Q. Why do you say that, that they were part of the  
12 FMS family?

13 A. Why do I say it?

14 Q. You had heard of them or what?

15 A. Yeah, I mean, yeah, of course.

16 Q. WPS Group doing business as Federal Management  
17 Solutions, that is FMS.

18 A. Yeah.

19 Q. Right? Padron Enterprises, it is another  
20 Michael Padron company?

21 A. Yes.

22 Q. What did it do? Do you know?

23 A. No, sir, I do not know.

24 MR. VALADEZ: There you are. Take a break  
25 so he can take over.

1 MR. NOEL: Okay.

2 (Recess taken)

3 EXAMINATION

4 BY MR. COATES:

5 Q. I know you have talked about a number of these  
6 corporations that Robert has on this list here. I don't  
7 know. Have you all covered Blackhawk Jamco?

8 MR. NOEL: Yes.

9 THE WITNESS: Yes, sir.

10 Q. (By Mr. Coates) Are you familiar with Maria  
11 Bass?

12 A. Maria Bass was formerly Maria Padron. So yes,  
13 I am familiar.

14 Q. And what role did she play in this business?  
15 Any?

16 A. None that I am aware of.

17 Q. Are you familiar with Brian Dudley?

18 A. That name sounds familiar but I couldn't tell  
19 you exactly where.

20 Q. How about Michael Padron?

21 A. Michael Padron is the owner of Mapco.

22 Q. And what was Mr. Padron's involvement with your  
23 company?

24 A. Define involvement, please.

25 Q. Did he have any role in dealing with your

1 company?

2 A. No, he was -- he owned Mapco.

3 Q. Okay. And was Blackhawk Ventures doing  
4 business with Mapco?

5 A. No, sir. No, sir.

6 Q. What interactions did you have with Mapco such  
7 that you know Mr. Padron?

8 A. I worked for Mr. Padron from '99 to '06.

9 Q. After '06, did you continue to have any  
10 involvement with Mapco or Michael Padron?

11 A. Not directly.

12 Q. Okay. Are you familiar with Brian Taylor?

13 A. I know who he is.

14 Q. And what was Mr. Taylor's position or who is  
15 he?

16 A. He was a manager at FMS.

17 Q. Was he a manager that you dealt with regularly?

18 A. I would say weekly maybe.

19 Q. Where was Mr. Taylor located, do you know?

20 A. He was in what I regarded the FMS building at  
21 427 West Cevallos.

22 Q. West what?

23 A. 427 West Cevallos.

24 Q. Is that the same address where Blackhawk is?

25 A. Blackhawk was at 429 West Cevallos.

1 Q. Okay. Are they separate buildings?

2 A. Yes.

3 Q. Or are those buildings combined?

4 A. Yes, sir.

5 Q. Are you familiar with Fromita Taylor, Fromita  
6 Taylor?

7 A. The only thing I know about that lady is that  
8 is Brian Taylor's wife.

9 Q. Okay.

10 A. Or at least was at the time. I don't know any  
11 more.

12 Q. Do you know Michael Wiebracht?

13 A. Michael Wiebracht.

14 Q. Wiebracht?

15 A. Yes, sir, I do.

16 Q. What was Mr. Wiebracht's role?

17 A. He was the COO of FMS.

18 Q. And Steven Wiebracht, what was his role at FMS?

19 A. He was the CFO of FMS.

20 Q. How about Raymond Jenkins?

21 A. He was the outside operations, I would say,  
22 manager for lack of a better word. I don't really.

23 Q. Was that with FMS?

24 A. Yes, sir.

25 Q. Manuela Villarreal?

1 A. That happens to be my wife.

2 Q. Okay. I think you would know her. How about  
3 Joe Muniz?

4 A. He was the owner of Jamco, J-A-M-C-O.

5 Q. Did Blackhawk do business with Jamco?

6 A. We had a number of joint ventures with Jamco,  
7 yes, sir.

8 Q. What was the relationship between Blackhawk and  
9 FMS? And you may have already covered it.

10 MR. NOEL: Yeah, he has already gone  
11 through that whole management contract, a lot of those,  
12 spent long time going through that area.

13 Q. (By Mr. Coates) Have any of the people that I  
14 have just asked you about, have any of them had any  
15 involvement directly with Blackhawk?

16 A. With the exception of Ms. Padron and  
17 Ms. Taylor, everyone -- and that Brian somebody  
18 whomever.

19 Q. Taylor?

20 A. No, no. That was another name that -- I think  
21 it was the second name or --

22 Q. Brian Dudley?

23 A. Yeah, and him, the rest of those people were  
24 associated either with their own individual companies  
25 which is like Jamco and Mapco and FMS. So they were all

1 part and parcel of the same.

2 Q. Okay. I apologize if you have already covered  
3 it because I am just trying to get my location.

4 A. Ms. Villarreal had no involvement other than  
5 the fact that she is my wife.

6 Q. Okay. I thought that may be the case. When  
7 did you begin -- you did not form Blackhawk; correct?

8 A. No, sir.

9 Q. I mean I got a quick run down.

10 A. Right.

11 Q. You got retained and you replaced somebody else  
12 before you?

13 A. Right.

14 Q. Did you have an employment agreement with  
15 Blackhawk?

16 A. Not to my knowledge, no, sir.

17 Q. Okay. Did any of these people that I just  
18 asked you about, did they hold an interest in Blackhawk?

19 A. I may have already answered this question.  
20 Initially, Michael Wiebracht and Michael Padron I  
21 believe had interest in it.

22 Q. Did that change at some point?

23 A. Yes, sir, it changed I think it was like six  
24 months later. The SBA informed us that -- SBA or  
25 SDVOSOB had to be a sole owner of the company. It



1 wasn't based on percentages or anything. It had to  
2 be -- a sole ownership of the company had to be a  
3 service disabled veteran and the only person that  
4 qualified for that was me.

5 Q. Okay. So -- and so that was the reason for the  
6 change?

7 A. Yes.

8 Q. Was for compliance with the rules under that  
9 program; right?

10 A. Well, I can't speak to that. All I know is  
11 that I was brought in.

12 Q. Are you aware of whether anyone has a personal  
13 guarantee of any debt belonging to Blackhawk or of a  
14 Blackhawk affiliate?

15 A. No, sir.

16 Q. And is that you don't know or there isn't  
17 anybody that fits that?

18 A. I do not know.

19 Q. Okay. Are you aware of any financial transfers  
20 that were made to any of those three or two individuals,  
21 Michael Wiebracht and Michael Padron?

22 A. No, sir, I don't know anything about that.

23 Q. Is there somebody else that would know if those  
24 had occurred?

25 A. Not that I am aware of. I don't know.

1 MR. NOEL: Just so you had the benefit of  
2 it, he told Robert that the company has effectively been  
3 shut down for the last three or four years. There is no  
4 operation.

5 MR. COATES: Blackhawk?

6 MR. NOEL: Right.

7 Q. (By Mr. Coates) Did it get reinstated though as  
8 far as a corporate entity with the secretary of state?

9 MR. NOEL: That I don't know.

10 Q. (By Mr. Coates) Do you know?

11 A. No, sir, I do not know.

12 Q. Because I saw something that indicated it  
13 had -- I forgot to pick that one up off of the printer I  
14 just remembered. I am new to this phone. I haven't  
15 figured out how to make it shut up.

16 A. Those things make me cry.

17 Q. I would have thrown it out of the window if it  
18 weren't for having a kid around that could do something  
19 on it. Let me just power it off.

20 Anyway, I saw something where -- I guess  
21 it was terminated in 19 -- I mean in 2017 and then  
22 reinstated in 2018. Do you know anything about that for  
23 Blackhawk Ventures?

24 A. No, no, sir.

25 Q. After you took over from Mr. Padron and Mr. --

1 A. It is pronounced Wiebracht.

2 Q. Wiebracht, okay, was there anybody else in  
3 management involved in Blackhawk after those two left?  
4 I mean other than yourself?

5 A. I don't know how to answer that. The reason I  
6 say that is because as I -- as I think described  
7 earlier, FMS was the management group that Blackhawk was  
8 contractually I guess obligated to. And they provided  
9 us with all of the management administrative functions.  
10 And that is what we paid them to do. So I don't really  
11 know how to answer that question.

12 Q. Okay. So basically all of the administrative  
13 and executive type functions were contracted to be  
14 handled by FMS?

15 A. Right.

16 Q. And you all paid FMS a fee?

17 A. Yes, sir.

18 Q. Okay. You were an employee of FMS. I mean of  
19 Blackhawk Ventures; right?

20 A. No, I was the owner of the company.

21 Q. Okay. Were there any other employees? Were  
22 there any employees?

23 A. Well, everybody except myself was paid by FMS  
24 so they were -- I guess they were carried on FMS -- for  
25 payroll purposes, I would imagine that that is the way

1 that paid out.

2 Q. Do you happen to know -- I mean like were these  
3 W-2 employees or independent contractors or anything  
4 like that? Do you know? These other individuals?

5 A. No, sir, I am not even familiar with those. I  
6 know what is a W-2 form is. But beyond that, I don't  
7 know what that means.

8 Q. You didn't get a W-2 because you were the owner  
9 of the company; right? Or did you get a W-2?

10 A. For the wages that I received, yes.

11 Q. And was your W-2 from Blackhawk Ventures?

12 A. Yes, sir. That I can recall, I would say yes.

13 Q. To the best of your knowledge, did anybody else  
14 have a W-2 from Blackhawk Ventures?

15 A. No, sir, not that I am aware of.

16 Q. Okay. Let me switch horses a little bit here  
17 and ask you about a meeting that occurred on December 4  
18 of 2014. Now, you were not the owner of Blackhawk  
19 Venture at that point; were you?

20 A. Oh, of course.

21 Q. You were? When did you become the owner?

22 A. '07.

23 Q. '07. Okay. Did you attend a meeting on  
24 December 4, 2014 to discuss Blackhawk's financial status  
25 with any other entities or outside people?

1 A. Give me that date again.

2 Q. Yeah, December 4, 2014.

3 MR. NOEL: Is that with CNA?

4 Q. (By Mr. Coates) I think it was with Travelers.  
5 Let me figure out where this is. Yeah. Do you remember  
6 receiving a letter from Travelers to Blackhawk  
7 requesting their presence at a December 4, 2014 meeting  
8 to discuss obligations of the bond principles?

9 A. No, sir, I don't remember that. That doesn't  
10 mean it didn't happen. It just says I don't remember  
11 that.

12 Q. If there had been a meeting involving Blackhawk  
13 to discuss outstanding obligations to these bond  
14 holders, would it necessarily have been you that  
15 attended that meeting or could it have been somebody  
16 from FMS who was handling the management functions?

17 A. Again, I would only be speculating but I don't  
18 remember. I haven't been attending a meeting like that.  
19 And the only other people it could be would have been  
20 FMS.

21 Q. Okay. In matters involving Blackhawk, were you  
22 usually involved in any meetings that took place with  
23 anybody representing Blackhawk or would it be somebody  
24 from FMS?

25 A. My recollection as I relayed earlier is that I

1 went to the site visits. I represented Blackhawk as its  
2 owner and at site visits with the government because I  
3 was the service disabled veteran and I owned the company  
4 in that regard. The inner workings of that kind of  
5 thing, I don't recall that. I don't remember sitting in  
6 meetings with people like that.

7 Q. Did you ever attend any meetings with  
8 Mr. Wiebracht or Mr. Padron?

9 A. The meetings that I attended were all work  
10 related. They were all in the effort to acquire, you  
11 know, more contracts. That is the kind of meeting that  
12 I generally attended.

13 Q. Okay. Were you ever made aware of the fact  
14 that Blackhawk was having financial difficulties during  
15 this period of time in 2014?

16 A. No, sir.

17 Q. Do you recall ever getting any correspondence  
18 or letters from Travelers Insurance Company directed to  
19 Blackhawk regarding some performance bonds?

20 A. No, not -- no. There has been pending  
21 litigation.

22 MR. NOEL: Sure. I told Robert we can now  
23 disclose to you guys that we settled with -- Blackhawk  
24 settled with Travelers last June. But we had a 180 day  
25 confidentiality period that expired mid/late December.

1 MR. COATES: Okay.

2 MR. NOEL: So that lid has been lifted so  
3 to speak.

4 Q. (By Mr. Coates) I got you. Were you ever  
5 made -- I guess I am trying to figure out exactly what  
6 the role is and whether you were involved in the  
7 financial aspects of this, of this operation of  
8 Blackhawk.

9 A. No.

10 Q. No?

11 A. No.

12 Q. I mean getting the work, discussing the work,  
13 how it was going to be handled, who was going to be, you  
14 know, maybe contracted with your company, those were all  
15 things you might be involved in. But the financial  
16 aspect, that was handled by the management people.

17 A. Right.

18 Q. With FMS.

19 A. Yes, sir.

20 Q. Okay. Thanks. Were you ever made aware that  
21 Travelers was indicating they thought there was a six  
22 million dollar shortage in Blackhawk's ability to pay  
23 their obligations?

24 A. I never heard that figure, sir.

25 Q. Okay. Was pretty much all of the financial



1 handling or dealings of the company handled by FMS?

2 A. Yes, sir.

3 Q. Were you ever told by anybody from FMS that  
4 Blackhawk was not going to be able to meet their debts  
5 as they came due?

6 A. Only at the end.

7 Q. By the end, what time frame are you referring  
8 to?

9 A. I am talking 2016.

10 Q. 2016, end of 2016?

11 A. Oh, no, no, mid.

12 Q. Mid 2016?

13 A. Yeah.

14 Q. And how did you receive that information? Who  
15 told you?

16 A. Well, it was kind of like somebody just from  
17 FMS, someone from FMS told me there just wasn't any  
18 money to meet our obligations. That was the extent.  
19 That is when I was made aware of it. But specifically  
20 who it was, I don't know. It has been too long.

21 Q. Were you involved in any discussions or  
22 decision making about what you all were going to do in  
23 response to that information?

24 A. No, sir.

25 Q. Did you have any involvement in acquiring the

1 insurance policy with CNA?

2 A. No, sir.

3 Q. Is that another matter that would be handled by  
4 FMS?

5 A. I would say so, yes.

6 Q. Was there anybody with FMS that you would know  
7 of that would handle insurance issues?

8 A. I don't know who it would have been. I know  
9 that there is -- they handled that stuff but I don't  
10 know who -- specifically who it would have been.

11 MR. COATES: Sorry. I am trying to shut  
12 it up but I am not doing a very good job.

13 MR. NOEL: No problem.

14 THE WITNESS: You could open these  
15 windows. I could show you.

16 MR. COATES: What is that?

17 THE WITNESS: I said if you could open  
18 these windows, I could show you.

19 MR. COATES: I might join you with that.

20 THE WITNESS: That is a thousand dollar  
21 mistake I made one time.

22 MR. COATES: Yeah, but you may have felt  
23 better afterwards.

24 THE WITNESS: Very briefly, especially  
25 since I had to go out of pocket to replace it.

1 MR. COATES: Well, yeah, that would be the  
2 time it would change your attitude.

3 THE WITNESS: Oh, yeah.

4 Q. (By Mr. Coates) Did you ever have copies of  
5 budgets on any of these projects that you were doing for  
6 Blackhawk?

7 A. No, no.

8 Q. So whether or not the cost, you know, to pay  
9 the premiums for the insurance policies, whether that  
10 was included in the budget, you wouldn't have any  
11 knowledge of that; right?

12 A. No, sir. No, sir, not at all.

13 Q. Did you completely rely on FMS to handle all  
14 administrative functions?

15 A. Yes, sir. All administrative, they were the  
16 people that performed all of the administrative  
17 functions.

18 Q. Were they essentially running the operation? I  
19 mean the overall, how this was all handled as far as  
20 getting the work, getting the work performed, you know,  
21 all of the things that made sure employees were paid and  
22 all of those functions, that they handled all of that?

23 A. With the exception of me going to the site  
24 visits. And I guess for lack of better terms or words,  
25 I guess I did the procuring. I went out and sought the

1 jobs. I identified -- in some cases, I identified the  
2 jobs. Then I went, went to the site visits and met with  
3 the governmental representatives. And we -- and that is  
4 what I did. And I insured that what was being presented  
5 in terms of doing the bidding, that certain issues via  
6 the bidding had been addressed.

7 Q. Okay.

8 A. In terms of the flow of the work, in terms of  
9 the cost to perform and things of that nature. I wanted  
10 to make sure that they were aware of those things so  
11 that they could properly bid the job.

12 Q. Okay.

13 A. So that is the extent of what I did. And  
14 beyond that, you know, the administrative stuff, no.

15 Q. Not only did you not do it, it sounded like you  
16 were not involved in it.

17 A. No, I wasn't. That is because I wasn't.

18 Q. Okay. And how about for other -- I mean what  
19 about for materials and things like that? Were you  
20 involved in the actual obtaining the materials or is  
21 that something that would be handled on the  
22 administrative end?

23 A. At a job -- at the job level, that was a  
24 superintendent's responsibility. And the superintendent  
25 would inform me of certain costs. But so long as those

1 costs were within the, you know, set points of what we  
2 were spending on a particular electrical -- let's say  
3 electrical.

4 Q. Right.

5 A. We needed so many spools of this and so many  
6 connectors of that and so many breaker boxes for that.  
7 And so long as I was involved or allowed in the cost of  
8 the materials, then yeah, I knew about things like that.

9 Q. Okay.

10 A. But the other stuff, no.

11 Q. How about any contracts with subcontractors,  
12 were you involved in obtaining those?

13 A. No, no, sir. No, sir. I was -- I knew that  
14 subcontractors were providing their bids.

15 Q. Right.

16 A. But that is about as much.

17 Q. Were you at all involved in the selection of  
18 the contractors based on their bids?

19 A. No, sir. No, sir.

20 Q. Is there anybody in particular who you would  
21 suggest we would need to talk to to get the answers to  
22 some of these questions as far as the role of FMS?

23 A. Well, the only people that I can suggest would  
24 be Michael and Steven Wiebracht. That is the only  
25 people that I can suggest that you would be able to find

1 more information because I don't know that stuff.

2 Q. Okay. Would they be probably the people that  
3 would know the most about those aspects of this -- of  
4 the business?

5 A. I would only be speculating but I would say  
6 yes.

7 Q. Okay. I appreciate that. Did Blackhawk do  
8 business under any assumed name?

9 A. Assumed?

10 Q. Yeah. Like --

11 MR. NOEL: D/b/a, he had a couple of  
12 d/b/a's he identified earlier.

13 THE WITNESS: They were identified.

14 Q. (By Mr. Coates) They were for Blackhawk. They  
15 were d/b/a's of Blackhawk?

16 A. Yeah, I don't know how else to answer that  
17 except, yeah.

18 MR. NOEL: It was Blackhawk Construction.

19 THE WITNESS: Constructors.

20 Q. (By Mr. Coates) Okay. Yes.

21 A. And whenever it was involved in a joint  
22 venture, that's -- I mean that is as far as I know.

23 Q. Okay.

24 A. Because we were involved in joint ventures.

25 Q. Okay. I am trying to figure out what else

1 there is.

2 MR. NOEL: We gave you guys the tax  
3 returns and bank statements so you can see there in no  
4 money in the accounts flowing.

5 MR. COATES: Yeah.

6 MR. NOEL: Well, you want to go off the  
7 record?

8 MR. COATES: Yeah.

9 (Recess taken)

10 MR. COATES: Pass the witness.

11 MR. NOEL: We will reserve our questions.

12 (Proceedings concluded at 12:41 p.m.)

13 (Pursuant to FCRP 30(e)(1), request to review the  
14 transcript was not made by either deponent or party  
before the deposition was completed.)

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS

CONTINENTAL CASUALTY	)	
COMPANY, NATIONAL FIRE	)	
INSURANCE COMPANY OF	)	
HARTFORD, AND VALLEY FORGE	)	
INSURANCE COMPANY	)	
	)	
vs.	)	CASE NO. 5:17-CV-00807
	)	
BLACKHAWK VENTURES, LLC	)	

REPORTER'S CERTIFICATE  
ORAL DEPOSITION OF RUBEN VILLARREAL  
JANUARY 23, 2020

I, Sarah A. Prugh, Certified Shorthand Reporter in  
and for the State of Texas, hereby certify to the  
following:

That the witness, RUBEN VILLARREAL, was duly sworn  
and that the transcript of the deposition is a true  
record of the testimony given by the witness;

That pursuant to FCRP Rule 30(f)(1), request to  
review the transcript was not made by either deponent or  
party before the deposition was completed.

That pursuant to information given to the deposition  
officer at the time said testimony was taken, the  
following includes all parties of record and the amount  
of time used by each party at the time of the  
deposition:

1 Mr. Robert A. Valadez (1h28m)  
Attorney for Plaintiff  
2 Mr. David Coates (0h39m)  
Attorney for Plaintiff  
3 Mr. Scott M. Noel (0h0m)  
Attorney for Defendant  
4

5 I further certify that I am neither counsel for,  
6 related to, nor employed by any of the parties in the  
7 action in which this proceeding was taken, and further  
8 that I am not financially or otherwise interested in the  
9 outcome of this action.

10 Certified to by me on this 30th day of January,  
11 2020.



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13  
14 Sarah A. Prugh, CSR  
Texas CSR 3972  
15 Expiration: 1/31/22  
Firm Registration Number 631  
16 Kim Tindall & Associates, LLC  
16414 San Pedro, Suite 900  
17 San Antonio, Texas 78232  
210-697-3400  
18  
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